

07-02-03

RCE/3762

PTO/SB/30 (10/2001)

Approved for use through 10/31/2002 OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Commissioner for Patents  
Box RCE  
Washington, DC 20231

Application Number	09/601,631
Filing Date	August 4, 2000
First Named Inventor	Himmelsbach
Art Unit	3762
Examiner Name	Gollamudi, S.
Attorney Docket Number	100718-204 US

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application**

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR §1.114**a. ☐ Previously submittedi. ☐ Consider the amendment(s)/reply under 37 CFR §1.116 previously filed on \_\_\_\_\_  
(Any unentered amendment(s) referred to above will be entered).ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_iii. ☐ Other \_\_\_\_\_b. ☒ Enclosedi. ☒ Amendment/Replyiii. ☐ Information Disclosure Statement (IDS)ii. ☐ Affidavit(s)/Declaration(s)iv. ☐ Other \_\_\_\_\_2. **Miscellaneous**a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR §1.17(i) required)b. ☐ Other \_\_\_\_\_3. **Fees**

The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.

a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-1263i. ☐ RCE fee required under 37 CFR §1.17(e)

07/03/2003 CCHAU1 00000138 09601631

ii. ☐ Extension of time fee (37 CFR §§1.136 and 1.17)iii. ☐ Other \_\_\_\_\_

01 FC:1801

750.00 US

b. ☒ Check in the amount of \$ 1680.00 enclosedc. ☐ Payment by credit card (Form PTO-2038 enclosed)**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

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JUL 07 2003

TECHNOLOGY CENTER R3700

RECEIVED

JUL 10 2003

TECH CENTER 1600/2900

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print / Type)

Mark A. Montana

Registration No. (Attorney / Agent)

44,948

Signature

Date

July 1, 2003

**CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark

Name (Print / Type)

Erika McDougald

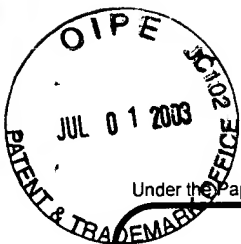
Express Mail No. EV 249033177US

Signature

Date

July 1, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.



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(Any unentered amendment(s) referred to above will be entered).**ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on \_\_\_\_\_****iii. ☐ Other \_\_\_\_\_****b. ☒ Enclosed****i. ☒ Amendment/Reply****iii. ☐ Information Disclosure Statement (IDS)****ii. ☐ Affidavit(s)/Declaration(s)****iv. ☐ Other \_\_\_\_\_****2. Miscellaneous****a. ☐ Suspension of action on the above-identified application is requested under 37 CFR §1.103(c) for a period of \_\_\_\_\_ months (Period of suspension shall not exceed 3 months; Fee under 37 CFR §1.17(i) required)****b. ☐ Other \_\_\_\_\_****3. Fees** The RCE fee under 37 CFR §1.17(e) is required by 37 CFR §1.114 when the RCE is filed.**a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 14-1263****i. ☐ RCE fee required under 37 CFR §1.17(e)****ii. ☐ Extension of time fee (37 CFR §§1.136 and 1.17)****iii. ☐ Other \_\_\_\_\_****b. ☒ Check in the amount of \$ 1680.00 enclosed****c. ☐ Payment by credit card (Form PTO-2038 enclosed)****WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.****RECEIVED****JUL 07 2003****TECHNOLOGY CENTER R3700****SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED****Name (Print / Type)****Mark A. Montana****Registration No. (Attorney / Agent)****44,948****Signature****Date****July 1, 2003****CERTIFICATE OF MAILING OR TRANSMISSION**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark

**Name (Print / Type)****Erika McDougald****Express Mail No. EV 249033177US****Signature****Date****July 1, 2003**

**Burden Hour Statement:** This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND Fees and Completed Forms to the following address: Assistant Commissioner for Patents, Box RCE, Washington, DC 20231.**

Express Mail EV249033177US

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Approved for use through 12/31/2003. OMB 0651-0032  
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE**FEE TRANSMITTAL  
for FY 2003**

Effective 01/01/2003. Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$)

\$1,680.00

Complete if Known JUL 07 2003

Application Number	09/601,631
Filing Date	August 4, 2000
First Named Inventor	Himmelsbach
Examiner Name	Gollamudi, S.
Group Art Unit	3762
Attorney Docket No.	BEI-644-WCG

**METHOD OF PAYMENT (check all that apply)**☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None☒ Deposit Account:Deposit  
Account  
Number

14-1263

Deposit  
Account  
Name

Norris, McLaughlin &amp; Marcus

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments☒ Charge any additional fee(s) during the pendency of this application☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1001 750	2001 375	Utility filing fee	
1002 330	2002 165	Design filing	
1003 520	2003 260	Plant filing fee	
1004 750	2004 375	Reissue filing	
1005 160	2005 80	Provisional filing fee	
SUBTOTAL (1)			(\$)

**2. EXTRA CLAIM FEES FOR UTILITY AND**

Total Claims	Extra Claims	Fee from below	Fee Paid
	-20** = 0	X	= 0.00
Independent Claims	-3** = 0	X	= 0.00
Multiple Dependent			=

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1202 18	2202 9	Claims in excess of 20	
1201 84	2201 42	Independent claims in excess of 3	
1203 280	2203 140	Multiple dependent claim, if not paid	
1204 84	2204 42	** Reissue independent claims over original patent	
1205 18	2205 9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)			(\$) 0.00

\*\*or number previously paid, if greater; For Reissues, see above

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
1051 130	2051 65	Surcharge - late filing fee or oath	
1052 50	2052 25	Surcharge - late provisional filing fee or cover sheet	
1053 130	1053 130	Non - English specification	
1812 2,520	1812 2,520	For filing a request for ex parte reexamination	
1804 920*	1804 920*	Requesting publication of SIR prior to Examiner action	
1805 1,840*	1805 1,840*	Requesting publication of SIR after Examiner action	
1251 110	2251 55	Extension for reply within first month	
1252 410	2252 205	Extension for reply within second month	
1253 930	2253 465	Extension for reply within third month	930.00
1254 1,450	2254 725	Extension for reply within fourth month	
1255 1,970	2255 985	Extension for reply within fifth month	
1401 320	2401 160	Notice of Appeal	
1402 320	2402 160	Filing a brief in support of an appeal	
1403 280	2403 140	Request for oral hearing	
1451 1,510	1451 1,510	Petition to institute a public use proceeding	
1452 110	2452 55	Petition to revive - unavoidable	
1453 1,300	2453 650	Petition to revive - unintentional	
1501 1,300	2501 650	Utility issue fee (or reissue)	
1502 470	2502 235	Design issue fee	
1503 630	2503 315	Plant issue fee	
1460 130	1460 130	Petitions to the Commissioner	
1807 50	1807 50	Processing fee under 37 CFR § 1.17(q)	
1806 180	1806 180	Submission of Information Disclosure Statement	
8021 40	8021 40	Recording each patent assignment per property (times number of properties)	
1809 750	2809 375	Filing a submission after final rejection (37 CFR § 1.129(a))	
1810 750	2810 375	For each additional invention to be examined (37 CFR § 1.129(b))	
1801 750	2801 375	Request for Continued Examination (RCE)	750.00
1802 900	1802 900	Request for expedited examination of a design application	
Other fee (specify)			

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$)

\$1,680.00

**SUBMITTED BY**

Name (Print/Type)

Mark A. Montana

Registration No.  
(Attorney/Agent)

44,948

**Complete (if applicable)**

Telephone

908-722-0700

Signature

Date

July 1, 2003

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on**

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Himmelsbach, *et al.*  
Serial No. : 09/601,631  
Filed : August 4, 2000  
For : SUBSTANCE RELEASE DEVICE  
Art Unit : 3762  
Examiner : Gollamudi, S.

<p>CERTIFICATE OF MAILING BY "EXPRESS MAIL" SERVICE</p> <p>"Express Mail" Label No. <u>EV 249033177 US</u></p> <p>Date of Deposit: <u>July 1, 2003</u></p> <p>I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Commissioner for Patents, Alexandria, VA 22313-1450</p> <p>Print Name: <u>Erika McDougald</u></p> <p>Signature: <u><i>Erika McDougald</i></u></p>
--

Mail Stop: RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

TRANSMITTAL LETTER

Sir:

Enclosed herewith for filing in connection with the patent application referenced above are the following:

1. A Request for Continued Examination (RCE) Transmittal;
2. Amendment in Response to Final Office Action Submission in Accordance with 37 CFR §1.114(c);
3. A Petition for an Extension of Time of three months;
4. Fee Transmittal for 2003;
5. Check for \$1680 for the Request for Continued Examination (\$750), and the three month extension fee (\$930); and
6. Return receipt postcard.

RECEIVED

JUL 07 2003

TECHNOLOGY CENTER R3708

TECH CENTER 1601/2900

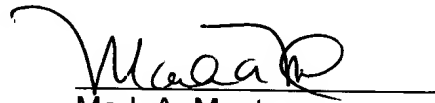
JUL 10 2003

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The Commissioner is hereby authorized to charge any additional fees or credit any overpayments to Deposit Account No. 14-1263. A duplicate copy of this paper is enclosed.

Kindly acknowledge receipt of the foregoing by stamping and returning the enclosed post card.

Respectfully submitted,

  
Mark A. Montana  
Registration No. 44,948

July 1, 2003

Norris, McLaughlin & Marcus  
220 East 42<sup>nd</sup> Street, 30<sup>th</sup> Floor  
New York, NY 10017  
212-808-0700

Attorney Docket No. 100718-204US